

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAIn Re
Tyrone Noel Nunn

Case No. 2:24-cv-01956-RFB-BNW

ORDER**I. DISCUSSION**

On October 21, 2024, Tyrone Noel Nunn, who is currently in the custody of the Nevada Department of Corrections, filed a document with the stated purpose of “retriev[ing] a patent from United States District Court District of Nevada.” (ECF No. 1-1 at 1). Patents are issued by the United States Patent and Trademark Office. Therefore, this Court cannot issue a patent to Nunn. If Nunn seeks a patent, he must file an application with the United States Patent and Trademark Office and pay any applicable costs and fees.

Because Nunn is proceeding *pro se* and it is not entirely clear what the purpose of his filing is, the Court will give Nunn an opportunity to clarify the purpose of this case. If Nunn seeks to initiate a civil rights case, he must file a complaint. See Fed. R. Civ. P. 3. (“A civil action is commenced by filing a complaint with the court.”) “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a). Alternatively, if Nunn only seeks a patent, he may file a motion to voluntarily dismiss this case and file an application for a patent with the United States Patent and Trademark Office.

If Plaintiff seeks to initiate a civil rights case, he must also pay the \$405 filing fee or file a complete application to proceed *in forma pauperis*. The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. §

1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

13 II. CONCLUSION

14 It is therefore ordered that the Clerk of the Court Clerk will send to Plaintiff Tyrone Noel Nunn the approved form for filing a § 1983 complaint, instructions for the same, and a copy of his initiating document (ECF No. 1-1).

17 It is further ordered that if Plaintiff seeks to initiate a civil rights action, he must either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate’s two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the previous six-month period.

23 The Clerk of the Court is directed to send Nunn the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same.

25 It is further ordered that Plaintiff has **until December 31, 2024**, to clarify the purpose of this case and file a civil rights complaint if that is his goal. If Plaintiff seeks to initiate a civil rights case, he must also pay the \$405 filing fee or file a complete application to proceed *in forma pauperis* on or before **December 31, 2024**.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
3 to refile the case with the Court, under a new case number, when Plaintiff can file a
4 complaint and a complete application to proceed *in forma pauperis* or pay the required
5 filing fee.

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7 DATED THIS 31st day of October 2024.

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UNITED STATES MAGISTRATE JUDGE